

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 59-02
Bill No.: HB 227
Subject: Cities: Officers, Impeachments
Type: Original
Date: February 19, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials of the **Office of Prosecution Services** stated that any new action for County Prosecutors could be absorbed with current appropriation levels.

Officials of the **Office of State Courts Administrator** assumes no fiscal impact on the State's Courts.

Officials of the **City of West Plains** assumes no fiscal impact.

Officials of the **City of St. Peters** assumes there would be legal, and election costs.

Oversight assumes this proposal is procedural and would have no state impact. Local governments would have no additional impact.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0
<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This bill revises the law governing the removal of elected officials of third and fourth class cities. The bill:

- (1) Requires consent of a two-thirds majority of a city council to remove an elected city official;
- (2) Lists several specific actions which justify removing an elected official from office;
- (3) Allows a city council, with the consent of a two-thirds majority, to remove an employee, and allows a mayor, with the consent of a simple majority of the council, to remove an employee. Current law allows only the removal of appointed officers;
- (4) Establishes a process allowing any person to file an affidavit with the city clerk, alleging facts that would warrant impeachment of a city official;
- (5) Prohibits a court from enjoining or restraining any impeachment proceeding;
- (6) Allows an impeachment judgment to be appealed directly to the court of appeals;
- (7) Allows city councils to appoint a city resident to replace an impeached elected official, pending appeal;
- (8) Requires city councils to appoint a special prosecutor to prosecute an impeachment;
- (9) Requires city councils to pay the attorney's fees of any defendant who is acquitted;
- (10) Requires some procedural issues of the impeachment proceeding to be determined by a majority vote of the city council;
- (11) Grants city councils subpoena and contempt powers; and
- (12) Sets forth various notice requirements, procedure, and time restrictions for impeachment proceedings.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Office of Prosecution Services
City of West Plains
City of St. Peters

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive script.

Jeanne Jarrett, CPA
Director
February 19, 2001